

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on June 19, 2003, and the references cited therewith.

No claims are amended, cancelled, or added; as a result, claims 1-10 and 31-52 are now pending in this application.

§102 Rejection of the Claims

Claims 1-9, 31-40, and 42-51 were rejected under 35 USC § 102(b) as being clearly anticipated by Kohno et al. (U.S. Patent No. 5,153,874).

Applicant has considered the comments provided in the last Office Action (paper 9) regarding Applicant's previous arguments. The Office Action states that the claimed limitation "selecting either the primary network connection or the redundant network connection" is anticipated by Kohno, which is not capable of performing the recited selection or sending data over only one of its two connections.

The grammatical structure "either...or..." as employed in the above-cited section of the claims has the plain English meaning of indicating alternatives, where only one or the other of the alternatives is to be employed, and does not allow selection of both alternatives or no selection as is suggested in the Office Action. Either-or is defined as "an unavoidable choice or exclusive division between only two alternatives", the term "Either" when used itself being defined as "one of two or more" (*see, Webster's Third New International Dictionary of the English Language Unabridged*, Springfield: Merriam-Webster, 1993).

Because the claim language clearly distinguishes these pending claims from the cited reference, reexamination and allowance of these pending claims, and of the claims that depend therefrom, is respectfully requested.

§103 Rejection of the Claims

Claims 10, 41, and 52 were rejected under 35 USC § 103(a) as being unpatentable over Kohno et al. in view of Momona (U.S. Patent No. 6,434,117).

These claims are first believed to be allowable as dependent on allowable base claims, as explained in greater detail above.

Further, the only motivation cited to combine the references is to “lessen distortion”, which is alleged in the prior Office Action (paper 9) to be present in an unspecified location in Momona. The present invention does not adapt a simple repeater, to reduce distortion, but recites separate selection processes for selecting connections leading to and from an intermediate node for routing data in a network. The present invention is therefore not simply a repeater designed to reduce distortion, but employs intermediate nodes to enhance routing flexibility and network operability as various links between nodes fail. The cited motivation is therefore not applicable to the recited structure and function of the present invention.

For these reasons, Applicant believes these claims are also in condition for allowance, and respectfully requests reexamination and allowance of these pending claims.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 349-9581 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 19 day of August, 2003

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